

DOCKET FILE COPY ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED
JUL 21 2004
Federal Communications Commission
Office of Secretary

In the Matter of)
Federal-State Joint Board on Universal Service)
TRACFONE WIRELESS, INC.)
Petition for Designation as an)
Eligible Telecommunications Carrier)
In the Commonwealth of Virginia)
_____)

CC Docket No. 96-45

**PETITION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER
IN THE COMMONWEALTH OF VIRGINIA**

Mitchell F. Brecher
Debra McGuire Mercer

GREENBERG TRAURIG, LLP
800 Connecticut Avenue, N.W.
Suite 500
Washington, D.C. 20006
(202) 331-3100

Counsel for TracFone Wireless, Inc.

July 21, 2004

No. of Copies rec'd
List ABCDE

0 + 4

TABLE OF CONTENTS

I. TracFone's Universal Service Offering	1
II. TracFone Meets the Requirements For Designation as an Eligible Telecommunications Carrier to Serve the Designated Areas in the Commonwealth of Virginia.....	3
A. The Virginia State Corporation Commission Does Not Regulate CMRS Service	4
B. TracFone Will Provide Service Through Resale.....	4
C. TracFone Offers All Required Services and Functionalities	5
1. Voice grade access to the public switched telephone network	5
2. Local Usage.	5
3. Dual tone multi-frequency ("DTMF") signaling or its functional equivalent.	6
4. Single-party service or its functional equivalent.	6
5. Access to 911 and E911 emergency service	6
6. Access to operator services	7
7. Access to interexchange service ("IXC").	7
8. Access to directory assistance.....	7
9. Toll limitation for qualified low-income customers	7
D. TracFone Will Advertise the Availability of Supported Services	8
E. TracFone Requests Designation Throughout Its Licensed Service Area in Virginia	8
1. Non-Rural Areas	9
2. Rural Areas	9
III. Designation of TracFone as an ETC for the Designated Areas In the Commonwealth of Virginia Would Serve the Public Interest	10
1. The Benefits of Competitive Choice.....	11
2. Impact on the Universal Service Fund.....	12
3. Unique Advantages of TracFone's Service Offerings	12
4. Service Quality Commitments Made.....	13
5. TracFone Will be Able to Serve the Designated Areas Within a Reasonable Time	13
IV. Anti-Drug Abuse Certification	14
V. High-Cost, Interstate Access, and Interstate Common Line Support Certification.....	15
VI. Conclusion	16

EXHIBITS

1. Declaration of TracFone President
2. Order from the Virginia State Corporation Commission Declining Jurisdiction
3. High-Cost Interstate Access and Interstate Common Line Support Certification Letter

SUMMARY

TracFone Wireless, Inc. (“TracFone”) is seeking designation as an Eligible Telecommunications Carrier (“ETC”) pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the “Act”) throughout the entire Commonwealth of Virginia, including both non-rural telephone company service areas and rural telephone company service areas.

TracFone is a reseller of Commercial Mobile Radio Services (“CMRS”) throughout Virginia. Through its resale agreements with five underlying carriers, TracFone has the ability to provide all services and functionalities supported by the universal service program, as detailed in Section 54.101(a) of the Commission’s Rules, including Lifeline Service to qualifying customers, to any customer requesting this service within the designated service area.

Under Section 214(e)(6) of the Act, the Commission may, with respect to an area served by a rural telephone company, and shall, in all other cases, designate more than one common carrier as an ETC for a designated service area, so long as the carrier meets the requirements of Section 214(e)(6). TracFone meets the requirements for ETC designation pursuant to Section 214(e)(6). TracFone recognizes that Section 214(e)(1)(A) states that ETCs shall offer services, at least in part, over their own facilities. Due to the fact that TracFone provides service by reselling the services of its underlying vendors, it has requested that the Commission exercise its forbearance authority with respect to the facilities-based requirement. TracFone meets all the conditions to grant a petition for forbearance. Enforcement of the requirement that an ETC provide service using at least a portion of its own facilities is not necessary to ensure that TracFone’s charges and practices are just and reasonable and are not unjustly or unreasonably discriminatory; is not necessary to protect consumers; and is consistent with the public interest. Unlike the situation that may exist when a carrier offers service by reselling the services of

incumbent local exchange carriers obtained at regulated “wholesale” rates in accordance with Sections 251(c)(4) and 252(d)(3) of the Act, the rates which TracFone is charged by its vendors are the product of market-driven arms-length negotiations. Thus, there is no universal service support built into those rates.

Finally, designation of TracFone as an ETC in rural telephone company service areas is supported by the public interest for various reasons. For example, consumers will benefit from the competitive choices that will be available, especially due to the fact that TracFone will provide valuable wireless service to rural communities. In addition, TracFone’s service offerings provide unique advantages. Specifically, TracFone provides affordable wireless telecommunications service to consumers to whom wireless service is otherwise unavailable or impracticable. TracFone offers pay-as-you-go service and none of the incumbent providers or the non-incumbent ETCs serving the areas covered by TracFone in Virginia offer service to consumers under comparable conditions.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
TRACFONE WIRELESS, INC.)	
)	
Petition for Designation as an)	
Eligible Telecommunications Carrier)	
In the Commonwealth of Virginia)	
_____)	

**PETITION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER
IN THE COMMONWEALTH OF VIRGINIA**

TracFone Wireless, Inc. ("TracFone"), by its undersigned counsel and pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the "Communications Act"), hereby submits this Petition for Designation as an eligible telecommunications carrier ("ETC") in the Commonwealth of Virginia. TracFone provides wireless telecommunications services throughout the Commonwealth of Virginia. As demonstrated herein, and certified in Exhibit 1 to this Petition, TracFone meets all of the statutory and regulatory requirements for designation as an ETC in the Commonwealth of Virginia. TracFone respectfully requests that the Commission promptly grant this Petition.

I. TracFone's Universal Service Offering

TracFone is a reseller of commercial mobile radio service ("CMRS") throughout the United States, including Virginia. TracFone provides service through a "virtual network" consisting of services obtained from more than thirty licensed operators of wireless

networks. TracFone has provided CMRS service throughout Virginia continuously for seven years. In Virginia, TracFone obtains service from the following underlying carriers: Alltel; Cingular Wireless; U.S. Cellular; Verizon Wireless; and Virginia Cellular. TracFone's arrangements with these providers enable it to offer services wherever any of those providers offer service in Virginia.

TracFone, through its resale agreements with the underlying carriers identified in the preceding paragraph, has the ability to provide all services and functionalities supported by the universal service program, as detailed in Section 54.101(a) of the Commission's Rules (47 C.F.R. § 54.101(a)) throughout Virginia. Upon designation as an ETC, TracFone will make available to consumers a universal service offering with all of the functionalities and features currently provided by TracFone to existing customers. TracFone will provide service pursuant to the universal service program, including Lifeline Service to qualifying customers, to any customer requesting this service within the designated service area.

Indeed, even without classification as an ETC, TracFone currently operates in accordance with the spirit of universal service. Because TracFone utilizes the networks of more than thirty licensed CMRS providers, TracFone service is available virtually nationwide (including throughout Virginia). Moreover, TracFone service is available at nationally uniform rates. TracFone service is priced no higher in Staunton (Augusta County), Virginia than it is in Richmond. This is so despite the fact that TracFone's agreements with smaller, independent CMRS providers who serve rural areas, including, for example, Staunton, Virginia, require TracFone to incur substantially higher costs to serve those areas. In fact, in some markets, TracFone's cost per minute of service in rural areas is higher than the nationally uniform rate it charges its customers in those areas.

II. TracFone Meets the Requirements For Designation as an Eligible Telecommunications Carrier to Serve the Designated Areas in the State of Virginia.

Under Section 214(e)(6) of the Act (47 U.S.C. § 214(e)(6)), the Commission, consistent with the public interest, convenience and necessity, may, with respect to an area served by a rural telephone company, and shall, in all other cases, designate more than one common carrier as an ETC for a designated service area, so long as the requesting carrier meets the requirements of Section 214(e)(6). As demonstrated below, and as set forth in the Declaration of F.J. Pollak, Exhibit 1, TracFone meets the requirements for ETC designation by the Commission pursuant to Section 214(e)(6) set forth in the Commission's Section 214(e)(6) Public Notice, as demonstrated in this Petition.¹ In addition, TracFone complies with the standards established by the Commission for determining whether applications for ETC status to serve areas served by rural local exchange carriers would serve the public interest.² TracFone recognizes that Section 214(e)(1)(A) states that ETCs shall offer services, at least in part, over their own facilities. However, as described at Section II.B of this petition, TracFone is simultaneously requesting that the Commission exercise its forbearance authority with respect to that facilities-based service requirement. For the reasons set forth in its petition for forbearance, TracFone meets all of the conditions to grant of a petition for forbearance codified at Section 10 of the Act (47 U.S.C. § 160).

¹ See Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act, *Public Notice*, 12 FCC Rcd 22947 (1997) ("Section 214(e)(6) Public Notice").

² See Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia, FCC 03-338, released January 22, 2004 ("Virginia Cellular"); Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia, FCC 04-37, released April 12, 2004 ("Highland Cellular").

A. The Virginia State Corporation Commission Does Not Regulate CMRS Service

A carrier seeking designation as an ETC must typically request such a designation from the applicable state regulatory commission. However, the Virginia State Corporation Commission (the "VSCC") does not regulate CMRS carriers such as TracFone for the purpose of making ETC determinations. An Order to this effect, dated April 9, 2004, has been issued by the VSCC, and is attached to this Petition as Exhibit 2.³ This Order meets the Commission's specific requirements for such documents, in that it specifies that CMRS carriers, such as TracFone, are not subject to the jurisdiction of the VSCC for the purpose of making Eligible Telecommunications Carrier designations. TracFone accordingly requests that the FCC designate TracFone as "a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a state commission" pursuant to 47 U.S.C. § 214(e)(6).

B. TracFone Will Provide Service Through Resale

Section 214(e)(1)(A) states that a carrier designated as an ETC shall offer services supported by Federal universal service support programs "either using its own facilities or a combination of its own facilities and resale of another carrier's services." TracFone is a reseller of the following carriers' services in Virginia: Alltel; Cingular Wireless; U.S. Cellular; Verizon Wireless; and Virginia Cellular. On June 8, 2004, TracFone has filed with the Commission a Petition for Forbearance requesting that the Commission forbear from applying Section 214(e)(1)(A) to TracFone.⁴ As detailed in the Petition for Forbearance, in the case of TracFone,

³ See In re: Application of Virginia Cellular, LLC, Case No. PUC-2001-00263, p. 1 (2004) (affirming that the Commission does not assert "jurisdiction over CMRS carriers...and [they] should apply to the FCC for ETC designation").

⁴ By public notice dated June 24, 2004, the Commission has invited public comment on TracFone's forbearance petition. See Public Notice – Parties Are Invited To Comment On

enforcement of the requirement that an ETC provide services using at least some of its own facilities is not necessary to ensure that TracFone's charges and practices are just and reasonable and are not unjustly or unreasonably discriminatory; is not necessary to protect consumers; and is consistent with the public interest.⁵

C. TracFone Offers All Required Services and Functionalities

TracFone offers, or will offer upon designation as an ETC in the Designated Areas, all of the services and functionalities required by Section 54.101(a) of the Commission's Rules (47 C.F.R. § 54.101(a)) including the following:

1. Voice grade access to the public switched telephone network.

Voice grade access to the public switched telephone network ("PSTN") means the ability to make and receive traditional voice phone calls between the approximately 500 Hertz and 4,000 Hertz for a bandwidth of approximately 3500 Hertz.⁶ The voice grade access provided by TracFone enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call.

2. Local Usage.

As part of the voice grade access to the PSTN, an ETC must provide local calling. TracFone provides subscribers the ability to send and receive local phone calls wherever it provides service. Moreover, local usage is included in all of TracFone's calling plans. As a

TracFone Wireless' Petition for Designation As An Eligible Telecommunications Carrier In The State Of New York And Petition For Forbearance From Application Of Section 214, DA 04-1822, released June 24, 2004.

⁵ See 47 U.S.C. § 160.

⁶ See Federal-State Joint Board on Universal Service, First Report and Order, 12 FCC Rcd 8776 at 8810-11 (1997) ("USF Order").

designated ETC, TracFone will comply with any applicable minimum local usage requirements adopted by the Commission.

3. Dual tone multi-frequency (“DTMF”) signaling or its functional equivalent.

DTMF signaling allows carriers to provide expeditious call set-up and call detail information and enables modem usage.⁷ The Commission permits carriers to provide signaling that is functionally equivalent to DTMF to satisfy the DTMF requirement. All telephone handsets sold by TracFone are DTMF-capable.

4. Single-party service or its functional equivalent.

Single-party service means that only one party will be served by a subscriber line or access loop in contrast to a multi-party line.⁸ TracFone provides customers with single-party access for the duration of every phone call. TracFone does not provide “multi-party” or “party line” services.

5. Access to 911 and E911 emergency service.

The Commission has declared that access to emergency services is essential.⁹ TracFone provides universal access to the 911 system for its customers. TracFone has implemented and will continue to implement enhanced 911 (“E911”) services consistent with the Commission’s Rules and Orders when such services are made available by the carriers from whom TracFone purchases services. In particular, TracFone will fully comply with the Commission’s E911

⁷ USF Order at 8814.

⁸ USF Order at 8810.

⁹ Id. at 8815.

requirements applicable to wireless resellers.¹⁰ Pursuant to the Commission's E911 Order, resellers that use other carriers' facilities to provide wireless voice service to customers have an obligation to comply with the Commission's E911 rules "to the extent that the underlying facilities-based licensee has deployed the facilities necessary to deliver enhanced 911 information to the appropriate PSAP [public service answering point]."¹¹ TracFone will make available access to E-911 service in accordance with applicable Commission requirements.

6. Access to operator services.

TracFone offers all of its customers access to operator services, in accordance with the Commission's requirements.

7. Access to interexchange service ("IXC").

TracFone customers can use TracFone's services to complete toll calls. In fact, TracFone does not impose separate charges for interexchange calls. Long distance calling is included in TracFone's service with no additional charge.

8. Access to directory assistance.

All TracFone customers receive access to directory assistance service through the TracFone virtual network. Specifically, all TracFone customers, including those customers located in Virginia, have access to directory assistance services provided by TracFone's vendors.

9. Toll limitation for qualified low-income customers.

There is no need for TracFone to offer a toll limitation feature to qualifying low-income customers. Since TracFone's service is a prepaid service, no customers will be disconnected for failure to pay toll charges or, for that matter, any other charges. TracFone treats long distance

¹⁰ See Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems, Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 25340 (2003) ("E911 Order").

¹¹ Id. ¶ 91.

minutes as any other minutes and the customers are not charged separately for toll services. Inasmuch as all TracFone services are prepaid there is no danger that low income customers will incur large charges for heavy toll (or other) calling and no risk that they will be disconnected for nonpayment. Since customers pay for the service in advance – they can use only what they already have paid for. Thus, TracFone's prepaid services are especially beneficial to lower income users since the consumers' enjoy the ability to control or limit their charges for toll service (as well as local service) in a manner that customers of traditional post-paid (billed in arrears) services do not.

D. TracFone Will Advertise the Availability of Supported Services

TracFone will advertise the availability of the above-described services and the charges therefor using media of general distribution, in accordance with the requirements of Section 54.201(d)(2) of the Commission's Rules (47 C.F.R. § 54.201(d)(2)). TracFone currently advertises the availability of its services, and will do so for each supported service on a regular basis, in newspapers and magazines, or on radio and television, that constitute media of general distribution in Designated Areas of the Commonwealth of Virginia. In addition, TracFone services are advertised through use of displays at the numerous retail outlets where TracFone service is sold.

E. TracFone Requests Designation Throughout Its Licensed Service Area in Virginia

TracFone is not a rural telephone company as defined in Section 153(37) of the Communications Act (47 U.S.C. § 153(37)). Accordingly, TracFone is required to describe the geographic area(s) within which it requests designation as an ETC. TracFone requests designation as an ETC for its entire service area in Virginia. TracFone, through its resale of wireless services provided by its underlying vendors in Virginia, provides service in every Zip

Code in the State of Virginia. Accordingly, TracFone seeks ETC status throughout the entire Commonwealth of Virginia.

1. Non-Rural Areas

For non-rural service areas, there are no restrictions on how a state commission defines the “service area” for purposes of designating a competitive ETC. TracFone’s authorized service area covers the following non-rural telephone company service areas:

- Central Telephone Company of Virginia
- NTELOS Telephone, Inc.
- Roanoke & Botetourt Telephone Company
- Shenandoah Telephone Company
- Verizon South, Inc.
- Verizon Virginia, Inc.
- United Telephone – Southeast, Inc.

The Commission may designate TracFone as an ETC in areas that TracFone serves without redefining the service areas of the non-rural telephone companies set forth above.

2. Rural Areas

TracFone’s authorized service area covers the following rural telephone company service areas in their entirety:

- Amelia Telephone Corporation
- Buggs Island Telephone Cooperative
- Burke’s Garden Telephone Exchange
- Citizens Telephone Cooperative
- Highland Telephone Cooperative
- MGW Telephone Company, Inc.
- New Castle Telephone Company
- New Hope Telephone Company
- North River Telephone Cooperative
- Pembroke Telephone Cooperative
- Peoples Mutual Telephone Company, Inc.
- Scott County Telephone Cooperative
- Virginia Telephone Company

The Commission may designate TracFone as an ETC in these rural telephone company service

areas upon a finding that such designation would serve the public interest.¹²

III. Designation of TracFone as an ETC for the Designated Areas In the Commonwealth of Virginia Would Serve the Public Interest

As noted above, TracFone seeks certification as an ETC in areas served by rural telephone companies, as well as in areas served by non-rural telephone companies. Consequently, the Communications Act requires that the Commission determine that TracFone's designation as an ETC would serve the public interest.¹³

The Commission has determined that "[d]esignation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies."¹⁴ This is particularly applicable in the rural areas served by TracFone within the Commonwealth of Virginia -- areas that in most cases are not presently served by competitive wireline carriers that could provide an alternative to the incumbent LECs. Designation of TracFone as an ETC will provide a valuable alternative to the existing telecommunications services available in these areas. Those public interest benefits include larger local calling areas, the convenience and security afforded by mobile telephony service, the opportunity for customers to control their costs by purchasing in advance only the volumes of service which they need and supplementing those quantities on an "as needed" basis, and, available E-911 service in accordance with the Commission's E-911 requirements. In addition, TracFone's inclusion of toll calling within its calling plans will enable consumers to avoid the risk of becoming burdened with large and unanticipated charges for toll calling.

¹² See 47 C.F.R. § 54.207(c).

¹³ 47 U.S.C. § 214(e)(6).

¹⁴ See Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming, Memorandum Opinion and Order, CC Docket No. 96-45, 16 FCC Rcd 48, 55 (2000).

Furthermore, designation of TracFone as an ETC will provide an incentive to the incumbent LECs in the designated rural areas to improve their existing networks to remain competitive, resulting in improved services to consumers. Designation of TracFone as an ETC in each case will also benefit consumers because support to services provided by TracFone will help assure that quality services are available at “just, reasonable, and affordable rates” as envisioned in the Communications Act.¹⁵

In its recent Highland Cellular decision, the Commission identified several factors to be considered in determining whether designation of an additional ETC in a rural area would serve the public interest. These factors require the Commission to weigh whether the benefits of an additional ETC in specific rural areas would outweigh potential harms. The factors to be considered include: 1) the benefits of increased competitive choice; 2) the impact of the designation on the universal service fund; 3) the unique advantages of the applicant company’s service offerings; 4) commitments made regarding the quality of services to be provided; and 5) the ETC applicant’s ability to satisfy its obligation to serve the designated areas within a reasonable time frame.¹⁶ As described in the following paragraphs, TracFone meets each of those criteria.

1. The Benefits of Competitive Choice

The benefits to consumers of being able to choose from among a variety of telecommunications service providers have been acknowledged by the Commission for more than three decades.¹⁷ However, the benefits of competitive choice are especially valuable in situations in which wireless providers like TracFone seek to provide service to rural

¹⁵ See 47 U.S.C. § 254(b)(1).

¹⁶ Highland Cellular at § 22.

¹⁷ See, e.g., Specialized Common Carrier Services, 29 FCC2d 870 (1971).

communities. As the Commission recognized in Highland Cellular, some residences located in rural communities do not have access to the public switched network through the incumbent local exchange carrier. Moreover, the availability of a wireless competitive alternative benefits those rural consumers who often must drive significant distances to work, to schools, to stores, and to other community locations.¹⁸ TracFone's prepaid wireless service alternative will provide consumers with convenient and affordable service, both from their residences and when they are away from their homes.

2. Impact on the Universal Service Fund

Whatever impact classification of TracFone as an ETC will have on the universal service fund will be negligible. As noted by the Commission in Highland Cellular, the total size of the fund as of fourth quarter 2003 was \$857,903.276. That same quarter competitive ETCs received approximately \$32 million or 3.7% of the available high cost support. TracFone does not anticipate that the amount of universal service funding which it might receive would be more than a *de minimis* portion of the fund size.

3. Unique Advantages of TracFone's Service Offerings

As described elsewhere in this petition, TracFone's entire business model is predicated on providing easy to use, pay-as-you-go, affordable wireless telecommunications service to consumers to whom wireless service is otherwise unavailable or impracticable. TracFone offers consumers an opportunity to acquire wireless service using state-of-the-art handsets and such features as caller ID, voice mail, call forwarding, and long distance calling without toll charges. Because TracFone's service requires no term contracts, no minimum service periods or volume commitments, no credit checks, the service is available to everyone – irrespective of age;

¹⁸ Highland Cellular at § 23.

irrespective of residency; irrespective of creditworthiness. Moreover, TracFone's prepaid service is unique in that usage information and remaining balance information is stored in the handsets and is thus available to consumers on a "real-time" basis. None of the incumbent providers nor those other non-incumbent ETCs serving the areas covered by TracFone in Virginia offer service to consumers under comparable conditions.

4. Service Quality Commitments Made

As a reseller of other carriers' wireless services, TracFone's service is of the same quality and reliability as that of its underlying vendors. TracFone cannot assure the Commission that it will never experience service disruptions. Occasional dropped calls and inconsistent coverage depending on atmospheric conditions are a fact of life in the wireless industry. TracFone believes that its service is as reliable as that of any other provider serving the Virginia market. To demonstrate its commitment to high service quality, TracFone will comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service. In addition, it is willing to provide report to the Commission information regarding the number of consumer complaints per 1,000 handsets on an annual basis (the commitment made by Highland Cellular).

5. TracFone Will be Able to Serve the Designated Areas Within a Reasonable Time

TracFone provides service in Virginia by reselling service which it obtains from five underlying facilities-based providers. Each of those providers' networks are operational and are largely built out. Thus, TracFone will be able to provide service to all locations served by any of those five underlying carriers immediately upon grant of this application.

Designation of TracFone as an ETC will also serve the public interest because TracFone will provide all of the supported services required by the Commission, will participate in the

Lifeline and Link-Up programs as required by the Commission's Rules, and will otherwise comply with all FCC Rules governing universal service programs, which are designed to ensure that the public interest standards of the Communications Act are achieved. Allowing TracFone access to universal service support will enable TracFone to continue to enhance and expand its service to better serve consumers in underserved, high-cost areas of Virginia. As a national leader in prepaid wireless services, TracFone has done much to advance the availability of wireless service for those portions of the population for whom wireless service is otherwise unavailable or, if available, is too costly and requires usage and volume commitments which are beyond the means of many consumers.

Finally, designation of TracFone as an ETC will serve the public interest by further promoting the extensive role TracFone plays in the provision of communications services to lower income and lower volume users, and transient users, as well as other consumers who either choose not to enter into long-term service commitments or who are unable to meet the credit requirements necessary to obtain service from other wireline or wireless carriers. TracFone's "pay-as-you-go" wireless plans enable consumers to enjoy the convenience and security of wireless telecommunication without being subject to extensive credit reviews and long-term service commitments which historically have limited the availability of wireless service to many Americans, including many Virginians. Accordingly, designation of TracFone as an ETC will serve the public interest.

IV. Anti-Drug Abuse Certification

No party to this Petition is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1998, 21 U.S.C. Section 862.¹⁹

¹⁹ See Declaration of F.J. Pollak, attached hereto as Exhibit 1.

V. High-Cost, Interstate Access, and Interstate Common Line Support Certification

Under Sections 54.313, 54.314 and 54.904 of the Commission's Rules (47 C.F.R. §§ 54.313, 54.314 & 54.904), as well as 47 C.F.R. § 54.809, carriers wishing to obtain universal service support must either be certified by the appropriate state commission or, where the state commission does not exercise jurisdiction, must self-certify with the Commission and the Universal Service Administrative Company ("USAC") as to their compliance with Section 254(e) of the Communications Act (47 U.S.C. § 254(e)). As explained above, the VSCC does not exercise jurisdiction over CMRS carriers such as TracFone. Therefore, TracFone has submitted its high-cost interstate access and interstate common line support certification letter with the Commission and with USAC. A copy of this certification is attached hereto as Exhibit 3. TracFone respectfully requests that the Commission issue a finding that TracFone has met the high-cost, interstate access and interstate common lines support certification requirement and that TracFone is, therefore, entitled to begin receiving such support where available, as of the date it receives a grant of ETC status in order that funding not be delayed.²⁰

²⁰ See Guam and Cellular Paging, Inc. Petition for Waiver of FCC Rule Section 54.314, Order, 18 FCC Rcd 7138 (2003).

VI. Conclusion

Based on the foregoing, TracFone contends that the requirements for eligibility for designation as an eligible telecommunications carrier have been met. Therefore, TracFone requests that the Commission promptly grant this Petition.

Respectfully submitted,



Mitchell F. Brecher
Debra McGuire Mercer

GREENBERG TRAURIG, LLP
800 Connecticut Avenue, N.W.
Suite 500
Washington, D.C. 20006
(202) 331-3100

Counsel for TracFone Wireless, Inc.

July 21, 2004

//207253

Exhibit 1

DECLARATION OF TRACFONE WIRELESS, INC.

F.J. Pollak, after first being sworn on oath, and pursuant to 47 C.F.R. § 1.16, states as follows:

1. I am President and Chief Executive Officer of TracFone Wireless, Inc. My business address is 8930 N.W. 25th Street, Miami, Florida 33122-1902

2. In my capacity as President and Chief Executive Officer of TracFone Wireless, Inc., I am an authorized representative of the Company. I have read TracFone's Petition for Designation as an Eligible Telecommunications Carrier in the State of Virginia (Petition) and confirm the information contained therein to be true and correct to the best of my present knowledge.

3. To the best of my knowledge, no party to the Petition, nor any of their officers, directors, or persons holding 5% or more of the outstanding stock or shares (voting and/or non-voting) as specified in Section 1.2002(b) of the Commission's rules, are subject to denial of federal benefits, including Commission benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

I hereby certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on July 19, 2004.



F.J. Pollak
President and Chief Executive Officer

Subscribed and sworn to before me
This 19 day of July 2004.

Maria C. Herrero
Notary Public

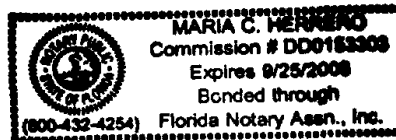


Exhibit 2

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION DOCUMENT CONTROL
AT RICHMOND, APRIL 9, 2004

IN RE:

2004 APR -9 A 11:46

APPLICATION OF VIRGINIA CELLULAR LLC

CASE NO. PUC-2001-00263

For designation as an eligible
telecommunications provider under
47 U.S.C. § 214(e) (2)

ORDER INVITING COMMENTS AND/OR REQUESTS FOR HEARING

On December 21, 2001, Virginia Cellular LLC ("Virginia Cellular") filed an application with the State Corporation Commission ("Commission") for designation as an eligible telecommunications carrier ("ETC"). This was the first application by a Commercial Mobile Radio Service ("CMRS") carrier for ETC designation.¹ Pursuant to the Order Requesting Comments, Objections, or Requests for Hearing, issued by the Commission on January 24, 2002, the Virginia Telecommunications Industry Association and NTELOS Telephone Inc. ("NTELOS") filed their respective comments and requests for hearing on February 20, 2002. Virginia Cellular filed Reply Comments on March 6, 2002. Our Order of April 9, 2002, found that § 214(e)(6) of the Act is applicable to Virginia Cellular's application because this Commission has not asserted jurisdiction over CMRS carriers and that Virginia Cellular should apply to the Federal Communications Commission ("FCC") for ETC designation.

Virginia Cellular filed its Petition for Designation as an Eligible Telecommunications Carrier in the State of Virginia with the FCC on April 26, 2002. On January 22, 2004, the FCC released its order designating Virginia Cellular as an ETC in specific portions of its licensed

¹ Virginia Cellular is a CMRS carrier as defined in 47 U.S.C. § 153(27) and is authorized as the "A-band" cellular carrier for the Virginia 6 Rural Service Area, serving the counties of Rockingham, Augusta, Nelson, and Highland and the cities of Harrisonburg, Staunton, and Waynesboro.

service area in the Commonwealth of Virginia subject to certain conditions ("FCC's January 22, 2004, Order").²

The FCC's January 22, 2004, Order further stated that Virginia Cellular's request to redefine the service areas of Shenandoah Telephone Company ("Shentel") and MGW Telephone Company ("MGW") in Virginia pursuant to § 214(3)(5) of the Telecommunications Act of 1996 ("Act") was granted subject to the agreement of this Commission. On March 2, 2004, the FCC filed its January 22, 2004, Order as a petition in this case.³

Section 214(e)(5) of the Act states:

SERVICE AREA DEFINED. - The term "service area" means a geographic area established by a State commission (or the Commission under paragraph (6)) for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

In this instance, the FCC has determined that the service areas of Shentel and MGW, which are both rural telephone companies under the Act, should be redefined as requested by Virginia Cellular.⁴ The FCC further recognizes that the "Virginia Commission's first-hand knowledge of the rural areas in question uniquely qualifies it to determine the redefinition proposal and examine whether it should be approved."⁵

² CC Docket No. 96-45, *In the Matter of Federal-State Joint Board on Universal Service, Virginia Cellular LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*.

³ See paragraph 45 of the FCC's January 22, 2004, Order. The FCC, in accordance with § 54.207(d) of its rules, requests that the Virginia Commission treat this Order as a petition to redefine a service area under § 54.207(d)(1) of the FCC's rules. A copy of the petition can be obtained from the Commission's website at: <http://www.state.va.us/scc/caseinfo.htm>.

⁴ The FCC denied Virginia Cellular's request to redefine the study area of NTELOS. See paragraph 50 of the FCC's January 22, 2004, Order.

⁵ The FCC's January 24, 2004, Order at paragraph 2. (citations omitted)

The Commission finds that interested parties should be afforded the opportunity to comment and/or request a hearing regarding the FCC's petition to redefine the service areas of Shentel and MGW. We note that the FCC believes that its proposed redefinition of these service areas should not harm either Shentel or MGW.⁶ However, we request any interested party to specifically address in its comments whether our agreeing to the FCC's proposal to redefine the service areas of Shentel and MGW would harm these companies.

NOW UPON CONSIDERATION of all the pleadings of record and the applicable law, the Commission is of the opinion that interested parties should be allowed to comment or request a hearing regarding the FCC's proposed redefinition of Shentel's and MGW's service areas.

Accordingly, IT IS ORDERED THAT:

(1) Any interested party desiring to comment regarding the redefinition of Shentel's and MGW's service areas may do so by directing such comments in writing on or before May 7, 2004, to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Interested parties desiring to submit comments electronically may do so by following the instructions found on the Commission's website: <http://www.state.va.us/scc/caseinfo.htm>.

(2) On or before May 7, 2004, any interested party wishing to request a hearing regarding the redefinition of Shentel's and MGW's service areas shall file an original and fifteen (15) copies of its request for hearing in writing with the Clerk of the Commission at the address set forth above. Written requests for hearing shall refer to Case No. PUC-2001-00263 and shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter.

⁶ See paragraphs 43 and 44 of the FCC's January 22, 2004, Order.

(3) On or before June 1, 2004, interested parties may file with the Clerk of the Commission an original and fifteen (15) copies of any responses to the comments and requests for hearing filed with the Commission. A copy of the response shall be delivered to any person who filed comments or requests for hearing.

(4) This matter is continued generally.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: each local exchange telephone company licensed to do business in Virginia, as shown on Attachment A hereto; David A. LaFuria, Esquire, Lukas, Nace, Gutierrez & Sachs, Chartered, 1111 19th Street, N.W., Suite 1200, Washington, D.C. 20036; Thomas Buckley, Attorney-Advisor, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554; Virginia Telecommunications Industry Association, c/o Richard D. Gary, Esquire, Hunton & Williams LLP, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; L. Ronald Smith, President and General Manager, Shenandoah Telephone Company, P.O. Box 105, Williamsville, Virginia 24487; Lori Warren, Director of Regulatory Affairs, MGW Telephone Company, P.O. Box 459, Edinburg, Virginia 22824-0459; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, 2nd Floor, Richmond, Virginia 23219; and the Commission's Office of General Counsel and Divisions of Communications, Public Utility Accounting, and Economics and Finance.

1-800-RECONEX, INC.
JENNIFER E. SIKES, PARALEGAL
2500 INDUSTRIAL AVE

HUBBARD, OR 97032

ABOVENET OF VA, L.L.C.
JILL SANDFORD, ESQ., SR. ATTY
C/O METROMEDIA FIBER NETWORK SVCS INC.
360 HAMILTON AVENUE

WHITE PLAINS, NY 10601

ACCESS POINT OF VIRGINIA, INC.
KAYE DAVIS, ESQUIRE
16 HYLAND RD, STE D

GREENVILLE, SC 29615

ALLEGIANCE TELECOM OF VIRGINIA, INC.
KRIS SHULMAN
700 EAST BUTTERFIELD ROAD

LOMBARD, IL 60148

ALTICOMM OF VIRGINIA, INC.
JAMES CORNBLATT
DIRECTOR REGULATORY AFFAIRS
115 SHAWMUT RD

CANTON, MA 02021

AMELIA TELEPHONE CORPORATION
TOM MCCABE, MANAGER
107 W FRANKLIN ST
PO BOX 189

QUINCY, FL 32351-0189

AMERICAN FIBER SYSTEMS VA INC
AMY GILCRIST VP
REGULATORY AFFAIRS
100 MERIDIAN CENTRE STE 250

ROCHESTER, NY 14618

360NETWORKS (USA) OF VIRGINIA, INC.
PENNY INGERSOL
2401 FOURTH AVE STE 1100

SEATTLE, WA 98121

ACC TELECOMMUNICATIONS OF VIRGINIA, LI
MS. JO GENTRY, EXTERNAL AFFAIRS MGR.
18114 SANDRIDGE ROAD

LONG BEACH, WA 98631

ADELPHIA BUSINESS SOLUTIONS OF VIRGINIA
TERRY ROMINE, DIRECTOR
LEGAL & REGULATORY AFFAIRS
1 N MAIN ST

COUDERSPORT, PA 16915

ALLTEL COMMUNICATIONS OF VIRGINIA, INC
J T MEISTER, JR, MANAGER
STATE GOVERNMENT AFFAIRS
1 ALLIED DR

LITTLE ROCK, AR 72202

AMELIA TELEPHONE CORPORATION
ROBERT L KIDD, MANAGER
PO BOX 76

AMELIA, VA 23002

AMERICAN FIBER NETWORK OF VIRGINIA, INC
ROB HEATH, EXECUTIVE VP
SUITE 140
9401 INDIAN CREEK PKWY

OVERLAND PARK, KS 66219

AMERICAN LONG LINES OF VIRGINIA INC
DENNIS CONNOR, CFO

700 ENTERPRISE DR FL 2

HORSHAM, PA 19044

ATX TELECOMMUNICATIONS SERVICES, LTD
STEVE ANDREASSI
50 MONUMENT RD

BALA CYNWYD, PA 19004

BELLSOUTH BSE OF VIRGINIA INC
MARIO SOTO PRES
N TERRACES BLDG STE 400
400 PERIMETER CENTER TERR

ATLANTA, GA 30346

BROADPLEX LLC
MICHAEL BALL PRES
100 E MEETING ST

MORGANTON, NC 28655-3549

BT COMMUNICATIONS SALES OF VIRGINIA LL
MS. LINDA CICCIO
REGULATORY COMPLIANCE MANAGER
11440 COMMERCE PARK DR

RESTON, VA 20191

BUGGS ISLAND TELEPHONE COOPERATIVE
MR. MICKEY L. SIMS, GENERAL MANAGER
100 NELLIE JONES RD
PO BOX 129

BRACEY, VA 23919

BURKE'S GARDEN TELEPHONE EXCHANGE
RALPH FRYE VP
PO BOX 205

COLONIAL HEIGHTS, VA 23834

CAT COMMUNICATIONS INTERNATIONAL INC
DEBBIE WALLER

PO BOX 11845

ROANOKE, VA 24022-1845

AX TELECOMMUNICATIONS INC D/B/A 877 DI/
MS AHLAM AL-WAID
STE 1003
5201 LEESBURG PIKE

FALLS CHURCH, VA 22041

BIT NETWORK LLC
DON EVANS MANAGER
PO BOX 129

BRACEY, VA 23919

BROADVIEW NETWORKS OF VIRGINIA INC
STEVE ANDREASSI
59 MAIDEN LANE FL 27

NEW YORK, NY 10038

BUDGET PHONE OF VIRGINIA INC
ARTHUR L MAGEE
REGULATORY CONTACT COMPTROLLER
6901 W 70 ST

SHREVEPORT, LA 71149

BULLSEYE TELECOM OF VIRGINIA LLC
CHARLES L SCHNEIDER JR
DIRECTOR - BUSINESS DEVELOPMENT
25900 GREENFIELD RD STE 330

OAK PARK, MI 48237

CAMBRIAN COMMUNICATIONS OF VIRGINIA L
ROBERT FRAGOLA VP-REGULATORY
STE 320
12011 LEE JACKSON MEMORIAL HWY

FAIRFAX, VA 22033-3310

CAVALIER BROADBAND LLC
MR ROBERT HAMLIN
3521 MARLBORO CT

CHARLOTTESVILLE, VA 22901

CAVALIER TELEPHONE LLC
MARTY CLIFT VP
2134 W LABURNUM AVE

RICHMOND, VA 23227-4342

CENTRAL TELEPHONE COMPANY OF VIRGINIA
THOMAS W SOKOL STATE EXECUTIVE
1108 E MAIN ST STE 1200

RICHMOND, VA 23219

CHOCTAW COMMUNICATIONS OF VIRGINIA II
MONICA R BORNE ESQUIRE
NOWALSKY BRONSTON & GOTHARD
3500 N CAUSEWAY BLVD STE 1442

METAIRIE, LA 70002

CITIZENS COMMUNICATIONS CORPORATION
GERALD W GALLIMORE GEN MNGR
PO BOX 137

FLOYD, VA 24091-0137

CITY OF BRISTOL D/B/A BRISTOL VIRGINIA U1
STACEY VARNEY
VP ACCOUNTING & FINANCE
PO BOX 8100

BRISTOL, VA 24203-8100

CITY OF MANASSAS
MR. ALLEN P. TODD, P.E.
DIRECTOR OF UTILITIES
8500 PUBLIC WORKS DR

MANASSAS, VA 20110

CITY OF SALEM
MR. A.K. BRIELE, III, DIRECTOR
CITY OF SALEM ELECTRIC DEPT
POB 869

SALEM, VA 24153

CBeyond COMMUNICATIONS LLC
JULIE O. STROW
VP REGULATORY & INDUSTRY RELATIONS
320 INTERSTATE NORTH PKWY

ATLANTA, GA 30339

CHESAPEAKE TELECOMMUNICATIONS CORP
CATHERINE B. PILLOW, PRES.
SYLVAN INFORMATION SVCS, INC.
POB 1297

WARSAW, VA 22572

CHOICE ONE COMMUNICATIONS OF VIRGINIA
KIM ROBERT SCOVILL VP
LEGAL & REGULATORY AFFAIRS
100 CHESTNUT ST STE 700

ROCHESTER, NY 14604-2417

CITIZENS TELEPHONE COOPERATIVE
GERALD W GALLIMORE GEN MNGR

PO BOX 137

FLOYD, VA 24091-0137

CITY OF DANVILLE D/B/A DANVILLE DEPARTM
PAUL KALV GEN MNGR
1040 MONUMENT ST

DANVILLE, VA 24541

CITY OF MARTINSVILLE
ROBERT L HARRIS
55 W CHURCH ST
PO BOX 112

MARTINSVILLE, VA 24114

CITYNET TELECOM OF VIRGINIA INC
MARK PERKELL SR VP/GEN COUNSEL
8403 COLESVILLE RD FL 14

SILVER SPRING, MD 20910

CITYNET VIRGINIA, LLC
MR. DUANE BENNETT
CHIEF OPERATING OFFICER
343 NORTH FRONT STREET, SUITE 400

COLUMBUS, OH 43215

COGENT COMMUNICATIONS OF VIRGINIA INC
REID R ZULAGER SEC
1015 31ST ST NW

WASHINGTON, DC 20007

COMCAST PHONE OF NORTHERN VIRGINIA, I
MR. DON A. LAUB
DIRECTOR OF REGULATORY AFFAIRS
11800 TECH ROAD

SILVER SPRING, MD 20904

COMM SOUTH COMPANIES OF VIRGINIA INC
GLENN S RICHARDS ESQUIRE
SHAW PITTMAN
2300 N ST NW

WASHINGTON, DC 20037-1128

CONNECT CCCVA INC
MR. JEREMY L. AZIF, DIRECTOR
REGULATORY & PUBLIC AFFAIRS
3535 W 7TH STREET SUITE 1

FORT WORTH, TX 76107

CORECOMM VIRGINIA NC
STEVE ANDREASSI
ATX COMMUNICATIONS INC
50 MONUMENT RD

BALA CYNWYD, PA 19004

COVISTA OF VIRGINIA INC
ANTHONY COOKE
TELECOM COMPLIANCE SERVICES INC
1720 WINDWARD CONCOURSE STE 250

ALPHARETTA, GA 30005

CLM TELCOM LLC
MR BRUCE LAROSE
11 MELANIE LANE, SUITE 14

EAST HANOVER, NJ 07936

COMCAST BUSINESS COMMUNICATIONS OF
BETH CHOROSER
MNGR REGULATORY COMPLIANCE
1500 MARKET STREET

PHILADELPHIA, PA 19102

COMCAST PHONE OF VIRGINIA INC
PETER BROADBENT ESQUIRE
CHRISTIAN & BARTON
909 E MAIN ST STE 1200

RICHMOND, VA 23219

COMMUNICATION TECHNOLOGIES CARRIER
SHANNON OMIA PIERCE ESQUIRE
MCGUIRE WOODS LLP
901 E CARY ST

RICHMOND, VA 23219

CONSOLIDATED EDISON COMMUNICATIONS
DAVID W ROBINSON
VP & GENERAL COUNSEL
55 BROAD ST FL 22

NEW YORK, NY 10004

CORETEL VIRGINIA LLC
CHRISTOPHER VAN DE VERG
SEC & GEN COUNSEL
209 W ST STE 302

ANNAPOLIS, MD 21401

COX VIRGINIA TELCOM INC
JILL BROOME VP
225 CLEARFIELD AVE

VIRGINIA BEACH, VA 23462

CTC COMMUNICATIONS OF VIRGINIA INC
WILLIAM E. WARD
MANAGER OF REGULATORY AFFAIRS
220 BEAR HILL ROAD

WALTHAM, MA 02451-1101

CYRIS LLC
MS. CHRISTI VAASSEN
477 VIKING DR STE 460

VIRGINIA BEACH, VA 23452

dPi TELECONNECT, L.L.C.
KELLY KING
DIR OF ILEC COMMUNICATIONS
2997 LBJ FREEWAY STE 225

DALLAS, TX 75234

EAGLE COMMUNICATIONS, INC.
DAVID O. KLEIN, ESQ
KLEIN ZELMAN ROTHERMEL & DICHTER LLP
485 MADISON AVENUE

NEW YORK, NY 10022-5803

ECONOMIC COMPUTER SYSTEMS, INC.
MR. MICHAEL PITTS
608 WILLIAM STREET

FREDERICKSBURG, VA 22401

eLINK TELECOMMUNICATIONS OF VIRGINIA, I
CHARLES KALLENBACK, ESQUIRE
39 BROADWAY, 19TH FLR

NEW YORK, NY 10006

ESSENTIAL.COM OF VIRGINIA, INC.
ERIC J. KRATHWOHL, ESQ.
RICH MAY BILODEAU & FLAHERTY PC
176 FEDERAL ST

BOSTON, MA 02110-2223

CYPRESS COMMUNICATIONS HOLDING COMI
MS. NICOLE HAMILTON
SUITE 100
15 PIEDMONT CENTER

ATLANTA, GA 30305

DIECA COMMUNICATIONS INC
SUSAN JIN DAVIS
ASST GEN COUNSEL
600 14 ST NW STE 750

WASHINGTON, DC 20005

DSLNET COMMUNICATIONS INC
PAUL B HUDSON ESQUIRE
SWIDLER BERLIN SHEREFF FRIEDMAN LLP
3000 K ST NW STE 300

WASHINGTON, DC 20007-5116

EAST TENNESSEE NETWORK, LLC
MR. DUANE UHLS
125 WEST SUMMER STREET

GREENVILLE, TN 37743

EGIX NETWORK SERVICES OF VIRGINIA, INC.
STEPHEN L. JOHNS
11550 N MERIDIAN ST STE 500

CARMEL, IN 46032-6974

ERNEST COMMUNICATIONS OF VIRGINIA, INC
MR. PAUL MASTERS, PRESIDENT
SUITE 300
6475 JIMMY CARTER BOULEVARD

NORCROSS, GA 30071

ESSEX ACQUISITION CORPORATION
MR SCOTT KELLOGG
180 N WACKER DR STE 3

CHICAGO, IL 60606

EUREKA TELECOM, LLC
CHARLES KALLENBACK ESQ
GENERAL COUNSEL
39 BROADWAY, 19TH FLR

NEW YORK, NY 10006

EVOLUTION NETWORKS NORTH, INC.
JEFFREY P. BROWN, ESQUIRE
GENERAL COUNSEL
1428 15TH STREET

DENVER, CO 80202-1318

EZ TALK COMMUNICATINS, L.L.C.
EILEEN SINGLETON
4727 SOUTH MAIN

STAFFORD, TX 77477

FIBERGATE, LLC
THOMAS F. BARDO, ESQ
LEDYARD & MILBURN
1401 EYE ST., NW., STE 300

WASHINGTON, DC 20005

FOCAL COMMUNICATIONS CORPORATION OF
MR. DANIEL MELDAZIS
SR MANAGER REGULATORY AFFAIRS
SUITE 1100
200 NORTH LASALLE AVENUE
CHICAGO, IL 60601

GAMEWOOD TELECOM, INC.
ERIK J. CECIL, ESQUIRE
COLE RAYWID & BRAVERMAN LLP
1919 PENNSYLVANIA AVE NW 2ND FLR

WASHINGTON, DC 20006-3458

GLOBAL COMMUNICATIONS INTEGRATORS, I
MR. PETER ROGERS, MEMBER
VP OPERATIONS
10168 CASTLEWOOD LANE

OAKTON, VA 22124

EVEREST BROADBAND NETWORKS OF VIRIG
CHRISTOPHER DALRYMPLE, ESQ
ONE EXECUTIVE DR

FORT LEE, NJ 07024

EXCEL TELECOMMUNICATIONS OF VIRGINIA,
BECKY GIPSON
1600 VICEROY DRIVE

DALLAS, TX 75235

FAIRPOINT COMMUNICATINS SOLUTIONS CO
MICHAEL KENT, SR. MGR
REGULATORY AFFAIRS
521 E MOREHEAD ST STE 250

CHARLOTTE, NC 28202-2695

FIRST REGIONAL TELECOM, LLC
ALAN CHETRIT, CEO
2814 UPTON STREET

WASHINGTON, DC 20008

FRE COMMUNICATIONS, INC.
FRANK ERHARTIC
SUITE 202
7109 TIMBERLAKE RD

LYNCHBURG, VA 24502

GCR TELECOMMUNICATIONS, INC.
GLENN C. RATCLIFF, JR., PRES
POB 511

SOUTH BOSTON, VA 24592

GLOBAL CROSSING TELEMAGEMENT VA, I
MS. DIANE PETERS
DIRECTOR OF REGULATORY
1080 PITTSFORD VICTOR RD

PITTSFORD, NY 14534

GLOBAL METRO NETWORKS, DC, LLC
BARBARD E. CLOCKER
REGULATORY AFFAIRS SPECIALIST
201 N UNION ST, STE 360

ALEXANDRIA, VA 22314

GLOBAL TELECOM BROKERS OF VIRGINIA, IN
MR. J. R. LIQUEFATTO
VP/MGR REGULATORY AFFAIRS
500 REDLAND CT STE 309

OWINGS MILLS, MD 21117

GRANITE TELECOMMUNICATIONS, LLC
JASON SPINARD, ESQUIRE
GENERAL COUNSEL
234 COPELAND STREET

QUINCY, MA 02169

HIGHLAND TELEPHONE COOPERATIVE
ELMER E. HALTERMAN
GENERAL MANAGER
POB 340

MONTEREY, VA 24485

ICG TELECOM GROUP OF VIRGINIA, INC.
JIM O'BRIEN
161 INVERNESS DR W

ENGLEWOOD, CO 80112

IDT AMERICA OF VIRGINIA, LLC
MR. ANTHONY ACEVEDO
520 BROAD STREET

NEWARK, NJ 07102-3111

INFOHIGHWAY OF VIRGINIA, INC.
MS. PAULA BULLOCH
1333 BROADWAY, SUITE 1001

NEW YORK, NY 10018

GLOBAL NAPS SOUTH, INC.
ERIC M. PAGE, ESQUIRE
LECLAIR RYAN
4201 DOMINION BLVD, STE 200

GLEN ALLEN, VA 23060

GOBEAM SERVICES OF VIRGINIA, INC.
ATTN: REGULATORY ADMINISTRATOR
5050 HOPYARD RD STE 350

PLEASANTON, CA 94588

GROUP LONG DISTANCE OF VIRGINIA, INC.
ANTHONY COOKE
SUITE 250
1720 WINDWARD CONCOURSE

ALPHARETTA, GA 30005

HJN TELECOM OF VIRGINIA, INC.
ANTHONY COOKE, DIR., GOVERNMENT AFFAIRS
TELECOM COMPLIANCE SVCS
1720 WINDWARD CONCOURSE, STE 250

ALPHARETTA, GA 30005

IDS TELCOM, LLC
KEITH KRAMER
SECOND FLOOR
1525 NORTHWEST 167TH ST

MIAMI, FL 33169

IG2, INC.
DEBORAH S. ARNOTT, V.P.
REGULATORY & COMPLIANCE
5018 196TH STREET

FRESH MEADOWS, NY 11365-1319

INLEC COMMUNICATIONS VA, LLC
ERIC M. PAGE, ESQUIRE
LECLAIR RYAN
4201 DOMINION BLVD STE 200

GLEN ALLEN, VA 23060

INTERMEDIA COMMUNICATIONS, INC.
KIMBERLY A. WILD, ESQUIRE
1133 19TH STREET, NW

WASHINGTON, DC 20036

INTRADO COMMUNICATIONS OF VIRGINIA INC
MS. CINDY CLUGY, DIRECTOR
STATE REGULATORY AFFAIRS
1601 DRY CREEK ROAD

LONGMONT, CO 80503

KDL OF VIRGINIA, INC.
ANTHONY J. CANDELARIO, ESQUIRE
CORPORATE COUNSEL
8829 BOND STREET

OVERLAND PARK, KS 66214

KMC TELECOM IV OF VIRGINIA, INC.
JOHN MCLAUGHLIN, DIRECTOR
STATE GOVERNMENT AFFAIRS
1755 N BROWN RD., 3RD FLR

LAWRENCEVILLE, GA 30043

KMC TELECOM V OF VIRGINIA, INC.
JOHN MCLAUGHLIN, DIRECTOR
STATE GOVERNMENT AFFAIRS
1755 N BROWN RD., 3RD FLR

LAWRENCEVILLE, GA 30043

LIGHTSHIP TELECOM, LLC
ERIC J. BRANFMAN, ESQUIRE
SWIDLER BERLIN SHEREFF FRIEDMAN LLP
3000 K ST NW, SUITE 300

WASHINGTON, DC 20007-5116

LIGHTYEAR COMMUNICATIONS OF VIRGINIA,
JOHN J. GRIEVE, DIRECTOR
LEGAL SVCS & GENERAL COUNSEL
1901 EASTPOINT PARKWAY

LOUISVILLE, KY 40223

INTERNATIONAL TELEPHONE GROUP OF VIR
PATRICK D. CROCKER, ESQUIRE
EARLY LENNON PETERS & CROCKER PLC
900 COMERICA BLDG

KALAMAZOO, MI 49007-4752

IPVOICE COMMUNICATIONS OF VIRGINIA, INC
LANCE J.M. STEINHARD, ESQUIRE
SUITE 250
1720 WINDWARD CONCOURSE

ALPHARETTA, GA 30005-2293

KMC DATA LLC
JOHN MCLAUGHLIN, DIRECTOR
STATE GOVERNMENT AFFAIRS
1755 NORTH BROWN ROAD

LAWRENCEVILLE, GA 30043

KMC TELECOM OF VIRGINIA, INC.
JOHN MCLAUGHLIN, DIRECTOR
STATE GOVERNMENT AFFAIRS
1755 N BROWD RD, 3RD FLR

LAWRENCEVILLE, GA 30043

LEVEL 3 COMMUNICATIONS, LLC
WILLIAM P. HUNT, III, ESQUIRE
VICE PRESIDENT & REGULATORY COUNSEL
1025 ELDORADO BOULEVARD

BROOMFIELD, CO 80021

LIGHTWAVE COMMUNICATIONS, LLC
JACK E. RUDOLPH, V.P.
BUSINESS DEVELOPMENT
14504 GREENVIEW DR., STE 302

LAUREL, MD 20708

LOOKING GLASS NETWORKS OF VIRGINIA, IN
JODIE J. CARO, DIRECTOR
SUITE 600
1111 WEST 22ND STREET

OAK BROOK, IL 60523

MCGRAW COMMUNICATIONS OF VIRGINIA, INC.
MS. SADIA M. MENDEZ, MANAGER
REGULATORY COMPLIANCE
12TH FLOOR
228 EAST 45TH STREET
NEW YORK, NY 10017-3303

METRO TELECONNECT, INC.
ERIC M. PAGE ESQUIRE
LECLAIR RYAN
4201 DOMINION BLVD., STE 200

GLEN ALLEN, VA 23060

MGW TELEPHONE COMPANY
L. RONALD SMITH, PRES/GEN. MGR.
POB 105

WILLIAMSVILLE, VA 24487

MIKROTEC COMMUNICATIONS OF VIRGINIA, INC.
MR. BILLY COLEMAN
20 LAYNESVILLE ROAD

HAROLD, KY 41635

MOUNTAINET TELEPHONE COMPANY
BLANE CLARK, EX. V.P.
121 WOODLAND ST
POB 488

GATE CITY, VA 24251

NET2000 COMMUNICATIONS OF VIRGINIA, L.L.C.
MR. ANTHONY HANSEL
LEGAL DEPARTMENT
101 BROADWAY

PASADENA, MD 21122-2237

NEW ACCESS COMMUNICATIONS, LLC
PAM RIECK, DIRECTOR
REGULATORY AFFAIRS
801 NICOLLET MALL STE 350

MINNEAPOLIS, MN 55402-2519

MCIMETRO ACCESS TRANSMISSION SERVICE
KIMBERLY WILD, ESQUIRE
1133 19TH STREET, N.W.

WASHINGTON, DC 20036

METTEL OF VA, INC.
ANDONI ECONOMOU, EXED. V.P.
44 WALL STREET, 14TH FLR

NEW YORK, NY 10005

MID-ATLANTIC TELEPHONE COMPANY
RODNEY L. JOYCE, ESQUIRE
SHOOK HARDY & BACON LLP
600 14TH ST, NW, STE 800

WASHINGTON, DC 20005-2004

MOTIENT SERVICES INC. OF VIRGINIA
DAVID H. ENGVALL, ESQUIRE
VP & EXECUTIVE COUNSEL
10802 PARKRIDGE BOULEVARD

RESTON, VA 20191-5416

NA COMMUNICATIONS, INC.
STEVE GOODMAN, DIRECTOR
REGULATORY & BUSINESS
401 SPRING LN, STE 300

WAYNESBORO, VA 22980

NET-TEL CORPORATION OF VIRGINIA, INC.
ERIC M. PAGE, ESQUIRE
LECLAIR RYAN
4201 DOMINION BLVD, STE 200

GLEN ALLEN, VA 23060

NEW CASTLE TELEPHONE COMPANY
TOM MCCABE, MANAGER
EXTERNAL AFFAIRS
POB 189

QUINCY, FL 32351-0189

NEW CENTURY TELECOM, INC.
CHARLES H. HELEIN, ESQUIRE
HELEIN & ASSOCIATES
8180 GREENSBORO DR., STE 700

MCLEAN, VA 22102

NEW HOPE TELEPHONE COMPANY
K. L. CHAPMAN, JR., PRESIDENT
POB 38

NEW HOPE, VA 24469

NOS COMMUNICATIONS, INC.
WILLIAM WRIGHT, EX. DIRECTOR
CORPORATE & REGULATORY AFFAIRS
4380 BOULDER HIGHWAY

LAS VEGAS, NV 89121

NTELOS NETWORK, INC.
STEVE GOODMAN, DIRECTOR
REGULATORY & BUSINESS
POB 1990

WAYNESBORO, VA 22980

NTERA OF VIRGINIA, INC.
ENGIN YESIL
1020 N.W. 163RD DRIVE

MIAMI, FL 33169

ONFIBER CARRIER SERVICES-VIRGINIA, INC.
JAMES BOOTH, ESQUIRE
VP, LEGAL
7887 E. BELLEVIEW AVE., #820

ENGLEWOOD, CO 80111

PAETEC COMMUNICATIONS OF VIRGINIA, INC
J. T. AMBROSI, MANAGER
REGULATORY AFFAIRS
600 WILLOWBROOK OFFICE PARK

FAIRPORT, NY 14450

NEW EDGE NETWORK OF VIRGINIA, INC.
PENNY BEWICK, DIRECTOR
GOVERNMENT AFFAIRS
300 COLUMBIA HOUSE BLVD #106

VANCOUVER, WA 98661-2969

NORTH RIVER TELEPHONE COOPERATIVE
C. DOUGLAS WINE, MANAGER
POB 236

MT. CRAWFORD, VA 22841-0236

NOW COMMUNICATIONS OF VIRGINIA, INC.
R. SCOTT SEAB, ESQUIRE
VP LAW & POLICY
711 S. TEJON ST., STE 201

COLORADO SPRINGS, CO 80903

NTELOS TELEPHONE INC.
STEVE GOODMAN, DIRECTOR
REGULATORY & BUSINESS
POB 1990

WAYNESBORO, VA 22980

ONE VOICE COMMUNICATIONS, INC.
JAMES K. DIZE, ESQUIRE
GENERAL COUNSEL
1800 ALEXANDER BELL DR STE 150

RESTON, VA 20191-5488

OPENBAND OF VIRGINIA, LLC
MR. MAX R. KIPFER
EVP & GM
14927 BOGLE DRIVE

CHANTILLY, VA 20151

PATHNET OPERATING OF VIRGINIA, INC.
SUITE 298
253 A 26TH STREET

SANTA MONICA, CA 90402

PEMBROKE TELEPHONE COOPERATIVE
MS. LISA EPPERLEY, INTERIM GENERAL MGR.
POB 549

PEMBROKE, VA 24136-0549

PLAN B COMMUNICATIONS OF VIRGINIA, INC.
MR. TERRY WHITESIDE
SUITE 302
655 SHREWSBURY AVENUE

SHREWSBURY, NJ 07702

POTOMAC FIBER, LLC
MR. PAUL BERGMANN
501 FOURTH STREET
P. O. BOX 67

SERGEANT BLUFF, IA 51054

PREMIERE NETWORK SERVICES OF VIRGINIA/
JACQUETTA PEACE DIRECTOR
LEGAL REGULATORY
1510 N HAMPTON BLVD #120

DESOTO, TX 75115

PROGRESS TELECOM VIRGINIA, LLC
DAVID BRANSON
263 13TH AVENUE SOUTH

ST. PETERSBURG, FL 33701

QWEST COMMUNICATIONS CORPORATION C
MS. CATHY HANSEN
47TH FLOOR
1801 CALIFORNIA STREET

DENVER, CO 80205

QX TELECOM LLC
MR. EDWARD J. MISHAN, MANAGING MEMBER
SUITE 800
230 FIFTH AVENUE

NEW YORK, NY 10001

PEOPLES MUTUAL TELEPHONE COMPANY, IN
MR. HART ASHWORTH
POB 367

GRETN, VA 24557

PNG TELECOMMUNICATIONS OF VIRGINIA, LI
MS. STACY LEWIS
100 COMMERCIAL DRIVE

FAIRFIELD, OH 45014

PREFERRED CARRIER SERVICES OF VIRGINIA
BARRY CASEY, ESQUIRE
SUITE 105
14681 MIDWAY ROAD

ADDISON, TX 75001

PRIMUS TELECOMMUNICATIONS OF VIRGINIA/
KATHLEEN LAWRENCE, ESQUIRE
ASSISTANT GENERAL COUNSEL
1700 OLD MEADOW ROAD

MCLEAN, VA 22102

QUANTUMSHIFT COMMUNICATIONS OF VIRG
JENNA BROWN
88 ROWLAND WAY. STE 300

NOVATO, CA 94945-5011

QWEST INTERPRISE AMERICA OF VIRGINIA, I
MS. CATHY HANSEN
47TH FLOOR
1801 CALIFORNIA STREET

DENVER, CO 80205

R.T.O. COMMUNICATIONS, L.L.C.
DOUGLAS WILLS
160 A WELLMAN STREET

NORFOLK, VA 23502

RCN TELECOM SERVICES OF VIRGINIA, INC.
JOSEPH A. KAHL, DIRECTOR
REGULATORY AFFAIRS
105 CARNEGIE CENTER

PRINCETON, NJ 08540

SBC TELECOM, INC.
KEVIN CHAPMAN, DIRECTOR
REGULATORY RELATIONS
1010 N ST. MARY'S, RM 13K

SAN ANTONIO, TX 78215

SERVISENSE.COM OF VIRGINIA, INC.
MR. JAMES CORNBLOTT, DIR. OF REG. AFFAIRS
C/O ALTICOMM, INC.
115 SHAWMUT ROAD

CANTON, MA 02021

SHENTEL COMMUNICATIONS COMPANY
MS. LORI WARREN
DIRECTOR OF REGULATORY AFFAIRS
POB 459

EDINBURG, VA 22824-0459

SINGLE SOURCE OF VIRGINIA, INCORPORATED
JAMES BROOKER
C/O EAST COAST COMMUNICATIONS CORP.
10047 MIDLOTHIAN TNP

RICHMOND, VA 23235

SPRINT COMMUNICATIONS OF VIRGINIA, INC.
THOMAS W. SOKOL, STATE EXEC-VA
SUITE 1200
1108 EAST MAIN STREET

RICHMOND, VA 23219

STATDIRECT, INC.
JOHN C. DODGE, ESQUIRE
COLE RAYWID & BRAVERMAN, L.L.P.
1919 PENNSYLVANIA AVE NW 2ND FLR

WASHINGTON, DC 20006-3458

ROANOKE & BOTETOURT TELEPHONE COMPANY
MR. STEVEN H. GOODMAN
DIR, REGULATORY & BUS. DEVELOPMENT
POB 1990

WAYNESBORO, VA 22980

SCOTT COUNTY TELEPHONE COOPERATIVE
WILLIAM J. FRANKLIN, JR.
EXECUTIVE VP & MANAGER
POB 487

GATE CITY, VA 24251

SHENANDOAH TELEPHONE COMPANY
MS. LORI WARREN
DIRECTOR OF REGULATORY AFFAIRS
POB 459

EDINBURG, VA 22824

SIGMA NETWORKS TELECOMMUNICATIONS (C)
BRIAN MCDERMOTT, ESQ
SWIDLER BERLIN SHEREFF FRIEDMAN LLP
3000 K ST., N.W., SUITE 300

WASHINGTON, DC 20007-5116

SOUTHNET TELECOMM-VIRGINIA, INC.
CHARLES C. HUNTER, ESQUIRE
HUNTER COMMUNICATIONS LAW GROUP
1424 16TH ST., N.W., STE 105

WASHINGTON, DC 20036-2200

STARPOWER COMMUNICATIONS, LLC
DEBORAH M. ROYSTER, ESQUIRE
GENERAL COUNSEL
10000 DEREKWOOD LANE

LANHAM, MD 20706

STICKDOG TELECOM, INC.
MARION PAUL SPINA, JR., PRESIDENT
143A CHURCH STREET, N.W.

VIENNA, VA 22180

SUNESYS OF VIRGINIA, INC.
DAVID M. CHANNING
VICE PRESIDENT OF DEVELOPMENT
202 TITUS AVENUE

WARRINGTON, PA 18976

TALKINGNETS HOLDINGS, LLC
JOHN PHILIPS
201 N FRONT ST STE 201

WILMINGTON, NC 28401

TELECOM LICENSING OF VIRGINIA, INC.
BRIAN D. HUGHES, ESQUIRE
KELLEY DRYE & WARREN
1200 19TH ST NW, STE 500

WASHINGTON, DC 20036

TELEPHONE COMPANY OF CENTRAL FLORID
MS. BARBARA GREENE
REGULATORY ADMINISTRATOR
1025 GREENWOOD BLVD STE 470

LAKE MARY, FL 32746

TMC OF VIRGINIA, INC.
DANIEL L. GALKIN
C/O TELECOMMUNICATIONS MGMT CONSULTAN
6931 ARLINGTON BLVD, SUITE 307

BETHESDA, MD 20814

TRANS NATIONAL COMMUNICATIONS INTERI
RIHNNON LUDLOW
TELECOM COMPLIANCE SERVICES
1720 WINDWARD CONCOURSE #250

ALPHARETTA, GA 30005

U.S. TELEPACIFIC CORP. (VIRGINIA)
JANE DELAHANTY
47TH FLOOR
515 S FLOWER STREET

LOS ANGELES, CA 90071

TALK AMERICA OF VIRGINIA, INC.
SHARON THOMAS, DIRECTOR
REGULATORY AFFAIRS
12001 SCIENCE DR., STE 130

ORLANDO, FL 32826

TCG VIRGINIA, INC.
ROSS BARKER
SUITE 430
1001 EAST BROAD STREET

RICHMOND, VA 23219

TELECONEX OF VIRGINIA, INC.
MS. BOBBI FERGUSON, CONSULTANT
VISIOLOGY, INC.
16061 CARMEL BAY DRIVE

NORTHPORT, AL 35475

TELIGENT OF VIRGINIA, INC.
JENNIFER MARTIN, MANAGER
REGULATORY AFFAIRS
460 HERNDON PKWY, SUITE 100

HERNDON, VA 20170

TOWN OF FRONT ROYAL
MR. STAIGE F. MILLER, JR.
DIRECTOR OF MANAGEMENT SERVICES
POB 1560

FRONT ROYAL, VA 22630

TRANSBEAM OF VIRGINIA, INC.
DAVID O. KLEIN, ESQUIRE
KLEIN ZELOMAN ROTHERMEL & DICHTER LLP
485 MADISON AVENUE

NEW YORK, NY 10022

UNITED SYSTEMS ACCESS TELECOM OF VIR
MR. DON HEBERT, VICE PRESIDENT
5 BRAGDON LN, SUITE 200

KENNEBUNK, ME 04043

UNITED TELEPHONE-SOUTHEAST, INC.
THOMAS W. SOKOL, STATE EXEC.-VA
SUITE 1200
1108 EAST MAIN STREET

RICHMOND, VA 23219

US LEC OF VIRGINIA, L.L.C.
GREG LUNSFORD, REGULATORY MGR.
6801 MORRISON BOULEVARD

CHARLOTTE, NC 28211

VERIZON SELECT SERVICES OF VIRGINIA INC
MR. STEPHEN C. SPENCER
DIRECTOR-REGULATORY
POB 27241

RICHMOND, VA 23261

VERIZON VIRGINIA INC.
ROBERT W. WOLTZ, PRESIDENT
POB 27241
600 E MAIN ST 11TH FLR

RICHMOND, VA 23219

VIC-RMTS-DC, LLC, D/B/A VERIZON AVENUE
RICHARD KOLB, DIR, REG. AFFAIRS
TWO CONWAY PARK
150 FIELD DRIVE, STE 300

LAKE FOREST, IL 60045

VIRGINIA NETWORK INCORPORATED
MR. MICHAEL V. PERDUE
C/O SMYTHNET
116 BROAD STREET

MARION, VA 23060

VIVO-VA-LLC
TIM SEFTON
SUITE 210
600 SOUTH ADAMS

BIRMINGHAM, MI 48009

UNIVERSAL ACCESS OF VIRGINIA, INC.
DOUGLAS D. ORVIS, ESQUIRE
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K ST, NW, STE 300

WASHINGTON, DC 20007-5116

VARTEC TELECOM OF VIRGINIA, INC.
KEVIN ALLEN, MANAGER
REGULATORY AFFAIRS
1600 VICEROY DRIVE

DALLAS, TX 75235

VERIZON SOUTH INC.
LYDIA R. PULLEY, V.P & GENERAL COUNSEL
11TH FLOOR
600 EAST MAIN STREET

RICHMOND, VA 23219

VF COMMUNICATIONS, INC.
MR. MICHAEL RYAN, PRESIDENT
6210 VIRGINIA BEACH BOULEVARD

NORFOLK, VA 23502

VIRGINIA GLOBAL COMMUNICATIONS SYTEM
ROBERT E. LERA
312 SOUTH MAIN STREET

LEXINGTON, VA 24450

VIRGINIA TELEPHONE COMPANY
TOM MCCABE, MANAGER
EXTERNAL RELATIONS
POB 189

QUINCY, FL 32351-0189

WILTEL COMMUNICATIONS OF VIRGINIA, INC
JULIE DIXON
ONE TECHNOLOGY CENTER, TC-151

TULSA, OK 74102

WINSTAR OF VIRGINIA, LLC
MS. MAC MCINTYRE
SUITE 300
1850 M STREET, N.W.

WASHINGTON, DC 20036

WOODLAWN COMMUNICATION, LLC
JEFF STAPLES
C/O INVESTMENT DEVELOPMENT INCORPORATI
11030 MILESTONE DRIVE

MECHANICSVILLE, VA 23116

XPEDIUS MANAGEMENT CO. OF VIRGINIA, L
RABINAI CARSON
SUITE 200
7125 COLUMBIA GATEWAY DRIVE

COLUMBIA, MD 21046

Z-TEL COMMUNICATIONS OF VIRGINIA, INC.
BRIAN D. HUGHES, ESQUIRE
KELLEY DRYE & WARREN
1200 19TH ST NW, STE 500

WASHINGTON, DC 20036

WINSTAR WIRELESS OF VIRGINIA, INC.
CHRISTINE SHUBERT, CHAPTER 7 TRUSTEE FOR
C/O KAY SCHOLER, LLC
3 FIRST NATIONAL PLAZA SUITE 4100
70 WEST MADISON STREET
CHICAGO, IL 60602

XO VIRGINIA, LLC
MR. G. MARTIN PFISTER
PROPERTY & REGULATORY TAX MGR
11111 SUNSET HILLS ROAD

RESTON, VA 20190-5339

YTV, INC.
MR. LARRY BERCOVICH
9TH FLOOR
114 SANSOME STREET

SAN FRANCISCO, CA 94116

Exhibit 3



wireless, inc. 8390 NW 25th Street | Miami, FL 33122

June 7, 2004

VIA OVERNIGHT MAIL

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Ms. Irene M. Flannery
Vice President – High Cost and Low Income Division
Universal Service Administrative Company
2000 L Street, NW
Suite 200
Washington, DC 20036

RECEIVED

JUN - 7 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: TracFone Wireless, Inc.
Certification for High Cost Loop Support, CC Docket No. 96-45

Dear Ms. Dortch and Ms. Flannery:

This certification is submitted on behalf of TracFone Wireless, Inc. ("TracFone") in accordance with Federal Communications Rules 54.313 and 54.314 (47 C.F.R. §§ 54.313, 54.314). On behalf of TracFone, I hereby certify under penalty of perjury that all high-cost support provided to TracFone will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, pursuant to Section 254(e) of the Telecommunications Act of 1996 (47 U.S.C. § 254(e)).

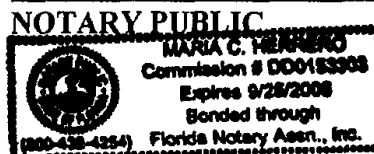
Sincerely,

TracFone Wireless, Inc.

F.J. Pollak
President and Chief Executive Officer

SUBSCRIBED, SWORN TO, AND ACKNOWLEDGED before me this 7 day of June, 2004.

Maria C. Herrera



My Commission Expires:

9-25-06